

# SHARP Monthly Reader

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## Q&A

### Q. What are our responsibilities to the temporary workers at our site?

**A.** Host employers need to treat temporary employees as they treat existing employees. Employers must assure that all workers—whether temporary or existing—are provided with a safe workplace and all required training and protections. Temporary staffing agencies and host employers share control over the employee, and are therefore jointly responsible for temp employee's safety and health. For more information on responsibilities to protect temporary employees, see OSHA's Temporary Workers Page at [www.osha.gov/temp\\_worker](http://www.osha.gov/temp_worker). For more information on recordkeeping requirements of temporary workers, see [www.osha.gov/temp\\_worker/s/OSHA\\_TWI\\_Bulletin.pdf](http://www.osha.gov/temp_worker/s/OSHA_TWI_Bulletin.pdf)

## Bradley Byrne moves to overturn OSHA's 'unlawful power grab'

In the final weeks of the Obama administration, the Department of Labor's Occupational Safety and Health Administration (OSHA) issued a rule clarifying an employer's continuing obligation to make and maintain an accurate log of workplace injuries and illnesses for five years after they occur.

While OSHA inspectors have long used this information to enhance health and safety protections in America's jobsites, the law explicitly says that employers can only be cited for record-keeping violations within a six-month time period. Yet the new "Volks" rule, extends the threat of penalty up to five years, which many consider an attempt to make an end-run around a 2012 D.C. Circuit Court decision that previously ended the five-year practice.

Alabama 1st District U.S. Rep. Bradley Byrne is working to overturn the new rule, which he calls an "unlawful power grab by the Obama administration."

Chairman of the Subcommittee on Workforce Protections, Byrne introduced a resolution of disapproval, H. J. Res 83, under the Congressional Review Act to overturn the rule and reject a failed approach to workplace safety on Tuesday.

"Every worker deserves safe and healthy working conditions, and bad actors who put hardworking men and women in harm's way must be held accountable," said Byrne. "That's why Republicans have consistently called on OSHA to improve its enforcement efforts and collaborate with employers to address gaps in safety."

Under the Congressional Review Act, Congress may pass a resolution of disapproval to prevent, with the full force of law, a federal agency from implementing a rule or issuing a rule that is substantially the same without congressional authorization. Chairman Byrne's resolution would block OSHA's "Volks" rule from taking effect and prevent future

administrations from promulgating a similar rule.

Byrne continued, "Unfortunately, the Obama administration consistently doubled down on failed, punitive policies that do more to tie small businesses in red tape than protect workers. With this rule, OSHA rewrote federal law while doing nothing to improve worker health and safety. Congress must reject this unlawful power grab and encourage the agency to adopt the responsible, proactive safety approach that America's workers deserve."

Prior to Byrne's resolution, two federal appeals courts have rejected the policies reflected in the rule after a Louisiana construction company was cited for paperwork errors occurring nearly five years prior.

"We do not believe Congress expressly established a statute of limitations only to implicitly encourage the Secretary to ignore it," the D.C. Circuit Court noted.

## Western Sugar, Contractor Fined By OSHA

SCOTTSBLUFF - OSH - the federal Occupational Safety and Health Administration - has cited Western Sugar Cooperative and a private contractor over an accident at the co-op's Scottsbluff factory last summer than injured a worker.

OSHA issued what is officially classified a

"serious violation citation" against DSI Mechanical and Western Sugar, fining the contractor \$8,100 and Western Sugar \$6,000.

A DSI employee working on the Scottsbluff plant's expansion project was hospitalized after falling from the second floor to the first floor through an opening, with OSHA

blaming both companies for failing to cover the opening while the work was going on.

DSI Mechanical is contesting its fine while Western Sugar agreed to a negotiated penalty of \$6,000 and making sure the problems relating to the accident are corrected.

**Q&A****Q. How should I handle workplace violence at my facility?**

**A.** OSHA has developed a number of guidance documents to assist employers and workers in developing workplace violence prevention programs. OSHA's informational page regarding workplace violence contains these guidance documents, along with other information you may find helpful. Please refer to [www.osha.gov/SLTC/workplaceviolence/index.html](http://www.osha.gov/SLTC/workplaceviolence/index.html).

Included in these resources are OSHA's inspections procedures pertaining to workplace violence. These procedures also provide useful information on identifying hazards relating to workplace violence and effective means for reducing or eliminating such hazards. For more information, see [www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02-01-052.pdf](http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-01-052.pdf).

## Fulton man dies in Minnesota construction accident

A Fulton man was crushed to death Monday by a pipe while building a road in a Minneapolis suburb.

Minnesota State Patrol Officer Tiffani Nielson said officers went to the intersection of Bren Road and Highway 169 in Minnetonka, Minn., Monday afternoon after a call of a construction accident. Nielson said a 60-foot-long, 2,500-pound

steel pipe used in road construction fell on David Hyde, 38, of Fulton while it was being unloaded from a semi-truck, pinning Hyde to the ground. Workers removed the pipe from Hyde and performed CPR before Hyde was taken to a hospital by paramedics in an effort to save his life, though he had been pronounced dead at the scene, Nielson said.

The Occupational Safety and Health Administration is handling the investigation, Nielson said. An OSHA spokesman said the agency does not discuss open cases.

Nielson said Hyde worked for Minnesota-based Ames Construction. The company did not respond to a call seeking comment.

## Lawmakers introduce measure to strengthen OSH Act

The fact that the top job at OSHA remains unfilled has not deterred house Democrats from seeking to amend the act that establishes job safety laws in the U.S.

Democrats on the House Committee on Education and the Workforce have reintroduced the Protecting America's Workers Act, legislation they say would strengthen and modernize the Occupational Safety and Health (OSH) Act of 1970. Similar legislation has been proposed in the past but has not been successful.

The measure was introduced by Rep. Joe Courtney of Connecticut during the week marked by the seven-year anniversary of the 2010 Kleen Energy Plant explosion in Middletown, Connecticut. Six workers were killed and dozens more were injured in that catastrophe. Courtney said that incidents like Middletown and a deadly Texas fertilizer plant explosion in 2013 demonstrate that "...the benefits of ensuring a safe and healthy workplace are not just confined to the facility's property—local communities also have a major stake in the safety of these workplaces."

Supporters say the proposed bill would give OSHA the tools to ensure that employers promptly correct hazardous working

conditions, protect workers from retaliation when they blow the whistle on unsafe working conditions, and hold employers accountable for violations that cause death or serious injury to workers.

### **Here's how proposed legislation could change OSHA:**

The Protecting America's Workers Act would:

- Expand OSHA coverage to municipal workers in the 25 states covered by federal OSHA.
- Require that employers correct hazardous conditions while a citation for a serious, willful, or repeat violation is being contested.
- Improve whistleblower protection.
- Update obsolete consensus standards incorporated into the OSH Act in 1970.
- Provide authority for increased civil monetary penalties for willful and serious violations that cause death or serious injury.
- Authorize felony penalties against employers who knowingly commit OSHA violations that result in death or serious injury and extend penalties to corporate officers and directors. Currently, criminal

penalties are considered misdemeanors.

- Require OSHA to investigate all cases of workplace death and serious injury.

- Give families of workers killed on the job the right to meet with OSHA investigators, receive copies of citations, and have the chance to make a statement before settlement negotiations take place.

- Allow the Secretary of Labor concurrent enforcement authority in states where the state plan fails to meet minimum requirements

[Information](#)

## How Colorado Is Warning Marijuana Workers about What Can Kill Them.

Roberta Smith, occupational health program manager at the Colorado Department of Public Health and Environment, hasn't heard of anyone dying in an industrial accident at a Colorado marijuana business. But she says dispensaries, grows and the like present unusual safety risks, including the possibility of fires and explosions from hash-oil extraction, in addition to the sort of everyday dangers that hover over virtually every workplace. That's why the CDPHE has

produced "Guide for Worker Safety and Health in the Marijuana Industry," which Smith believes is the first-ever document of its kind.

"We wanted to make sure we put something comprehensive together outlining some of the hazards that may exist and give businesses some best practices for how to build a health-and-safety program," Smith says.

The guide, on view below in its entirety, was put together with "input from the industry itself,

epidemiologists, health professionals and a variety of other partners," Smith reveals. Also involved were state officials who consider the guide a necessity in part because of the way inspections of dispensaries and grow facilities in Colorado are handled.

[Full Article](#)

## Terri has decided to Retire.



As I prepare for the next chapter in my life, I'd like to thank you for your unending support and dedication. It has been a pleasure working with so many wonderful employers and employees within the Kansas Workforce.

Over the past several years our SHARP Program has grown to be the best and largest in the Nation. I am extremely proud to be a part of that process and to work with companies that embrace the safety and health of their employees as a value rather than just another goal. As companies that have achieved excellence in safety and health initiatives, I encourage you to be an inspiration for other Kansas facilities to make safety and health a part of their organizational culture as you all have done.

I would be remiss if I didn't give accolades to my staff. They are very passionate about their work and the companies they work with. I am confident they will continue to take the Division of Industrial Safety and Health to new heights of triumphant distinction. With that, I bid you all a farewell until our paths cross again!



Terri showing her Team Spirit & Game Face. (KSU & PSU)

## Happy Retirement, Terri!!



Terri doing The Vogue during Staff Meeting Group Pic.

**Division of Industrial  
Safety and Health**  
417 SW Jackson St  
Topeka, KS, 66609

**Phone:** (620) 429-0008

**Fax:** (785) 296-1775

**E-mail:**

[brian.welch@dol.ks.gov](mailto:brian.welch@dol.ks.gov)

Safety

[shelly.briley@dol.ks.gov](mailto:shelly.briley@dol.ks.gov)

SHARP Coordinator

(785) 224-5040

"Safety is not an object nor something you can measure! It's a culture, a value."



Information provided by  
OSHA QuickTakes,  
QuickCards, OSHA.gov

Answers: b, c, a, d, a

## February SHARP Quiz

**1) What is the purpose of the electronic interlock on an injection molding machine?**

- a. Overrides the machine to operate only when the gate is closed.
- b. Prevents the clamp from closing when the operator's gate is open.
- c. Prevents the clamp from opening when the operator's gate is closed.

**2) Machine safeguarding requirements on a part revolution press include, two-hand controls?**

- a. Interlock gates
- b. Pullbacks and restraints
- c. Presence sensing devices
- d. Fixed, interlocked and adjustable guards.

**3) What type of activity causes the most accidents in the printing industry?**

- a. Cleaning
- b. Webbing up
- c. Maintenance
- d. Freeing blockage

**4) What is used to determine if the two-hand controls or light curtains are set at a safe distance from the point of operation of a piece of equipment?**

- a. The brake monitoring system
- b. PSDI (Presence Sensing Device Initiation)
- c. Table O-10
- d. A Stop Time meter

**5) In accordance with 29 CFR 1910.213(h)(2), which of the following protective devices is required on a radial saw during ripping operations?**

- a. Non-kickback fingers
- b. Push sticks
- c. Adjustment clips
- d. Hinged shields

## Upcoming Events

Plan to join us in 2017 for the 68th Annual Safety and Health Conference - at the Capitol Plaza Hotel, in Topeka, KS, September 19 – 22, 2017.

Check out our website:  
<http://www.dol.ks.gov/Safety/events.aspx>

Work Comp date: Sept 27 – 28. Info at:  
<https://www.dol.ks.gov/WorkComp/seminar.aspx>

23rd KDOT Transportation Safety Conference, April 3 – 5, 2017

Hyatt Regency Wichita, Wichita, KS

Website

Contact: KUPCE Professional & Continuing Education

Ph: 785-864-5823